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09/757,553	01/09/2001	Sukhinder Singh	P3958	9704

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CENTRAL COAST PATENT AGENCY
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EXAMINER

TRAN, ELLEN C

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,553

Applicant(s)

SINGH ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This action is responsive to communication: amendment filed 25 October 2004, with original application filed 09 January 2001, with acknowledgement of continuation in part from application 09/923,598 06/01/199 and 09/208,740 12/081998.

2. Claims 1-45 are currently pending in this application. Claims 1, 16, 26, 40, and 43 are independent claims. Claims 40-45 have been added.

Response to Arguments

3. Applicant's arguments with respect to claims 1-45 have been considered but are not persuasive.

In response to applicant's argument on page 9, "Applicant reads the applied portion of the reference and discovers that there is no teaching there to the actual steps claimed ... The applicant, however is not claiming detailed interconnectivity, but a specific system and method for following a user's request to access, by an Internet-connected server, using telephone systems". The Office disagrees the reference clearly shows as claimed a method of providing data available from multiple sources through the Internet to a user of a telephone system.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 1-38 and 40-45**, are rejected under 35 U.S.C. 102(e) as being anticipated by Eastep et al. U.S. Patent No. 6,731,625 (hereinafter '625).

As to independent claim 26, "A method for collecting, aggregating, and rendering off-line data for requesting users operating on a data-packet-network comprising steps of: (a) receiving a user request, the request sent from a user operating a user node having network access to a service-providing node operating on the data-packet-network; (b) identifying at least one telephone number identified in the request, the telephone number addressing an off-line data source; (c) dialing identified telephone number and establishing a telephony connection to the off-line data source; (d) retrieving the off-line data through automated telephone interaction" is taught in '625 col. 24, lines 1-65;

"(e) recording playback of the off-line data and storing the recorded data; and" is shown in '625 col. 37, lines 23-29;

"(f) rendering the recorded data in a form downloadable to the user node" is disclosed in '625 col. 40, lines 21-31.

As to dependent claim 27, "wherein the data-packet-network is the Internet network" is taught in '625 col. 24, lines 1-65.

As to dependent claim 28, "wherein in step (a) the user node is a personal computer and the service-providing node is a file server with outbound dialing capability" is shown in '625 col. 24, lines 1-65.

As to dependent claim 29, "wherein in step (a), the personal computer and a file server communicate using Internet protocol" is disclosed in '625 col. 24, lines 1-65.

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As to dependent claim 30, “wherein in step (a), the user node is an Internet-capable cellular telephone” is taught in ‘625 col. 24, line 56 through col. 25, line 10.

As to dependent claim 31, “wherein in step (a), the user node is an Internet-capable hand-held computer” is shown in ‘625 col. 24, line 56 through col. 25, line 10.

As to dependent claim 32, “wherein the off-line data includes voice data from one or a combination of answering machines, answering services, voice mail services, and pager voice mail services” is disclosed in ‘625 col. 24, lines 1-65.

As to dependent claim 33, “wherein the off-line data further includes voice data from one or a combination of emergency information systems, traffic alert systems, whether alert systems, and movie information systems” is taught in ‘625 col. 73, lines 11-36.

As to dependent claim 34, “wherein in step (b), an access code identification is performed associating a data-access code with the appropriate telephone number identified in the request” is shown in ‘625 col. 24, lines 1-65.

As to dependent claim 35, “wherein in step (d), automated telephone interaction includes automated input of the data-access code for triggering playback of data” is disclosed in ‘625 col. 37, lines 23-33.

As to dependent claim 36, “wherein in step (d), determination of input of the data-access code for triggering playback of data is accomplished by voice recognition software responding to an interactive-voice-response system” is taught in ‘625 col. 37, lines 23-33.

As to dependent claim 37, “wherein in step (d), determination of input of the data access code for triggering playback of data is accomplished by consultation a pre-

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configured interaction rules associated with the telephone number” is shown in ‘625 col. 37, lines 1-61.

As to dependent claim 38, “wherein in step (e), the recorded data is stored has a digital voice file” is disclosed in ‘625 col. 202, lines 26-28.

As to independent claim 1, “A data access and aggregation server for accessing and aggregating off-line message data for requesting users, access performed from a server location point on a data-packet-network comprising: at least one communication port for bi-directional data communication between the server and users accessing the server from remote access nodes having access to the network; at least one communication port for bi-directional communication between a server and remote communications systems operating on a telephone network; at least one data port for data communication between the server and a connected data repository” is taught in ‘625 col. 24, lines 1-65;

“a processor for storing server software and communication software; and, a software application for enabling automated dialing and interaction with the remote communications systems, characterized in that the server responding to requests from users dials destination numbers supplied by the users and upon connection therewith inputs any access codes required to trigger data playback whereupon the server records the played data and renders the data available to the requesting users” is shown in ‘625 col. 25, lines 37-45.

As to dependent claim 2, this claim contains substantially similar to dependent claim 27 and is rejected along the same rationale.

As to dependent claim 3, “wherein the location point is a server address on the Internet network” is taught in ‘625 col. 25, lines 46-50.

As to dependent claim 4, “wherein the communication between the server and users is hyper-text-transfer-protocol and the interface media is hyper-text-markup-language” is shown in ‘625 col. 62, lines 60-62.

As to dependent claim 5, “wherein the software application is distributed in part on the server and in part on the accessing devices of the requesting users” is disclosed in ‘625 col. 21, line 57 through col. 22, line 31.

As to dependent claim 6, “wherein the software application is hosted in its entirety on the server” is taught in ‘625 col. 21, line 57 through col. 22, line 31.

As to dependent claims 7, 8, and 9, these claims contain substantially similar to dependent claims 32, 33, and 34 they are rejected along the same rationale.

As to dependent claim 10, “wherein the telephone network is the public-switched-telephony-network” is shown in ‘625 col. 24, lines 39-40.

As to dependent claims 11 and 12, these claims contain substantially similar subject matter as dependent claims 32 and 33 they are rejected along the same rationale.

As to dependent claim 13, “wherein after data access and recording, the resulting data is rendered in the form of digital voice files downloadable over the Internet” is disclosed in ‘625 col. 40, lines 21-31.

As to dependent claim 14, “wherein after data access and recording, the resulting data is rendered in the form of digital text data” is taught in ‘625 col. 71, lines 30-38.

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As to dependent claim 15, **“wherein the digital text data is of the form of text summaries”** is shown in ‘625 col. 72, lines 4-20.

As to independent claim 16, this claim is directed to the system of method 26 and is rejected along the same rationale.

As to dependent claim 17, **“wherein the network is formed of a data-packet-network, a telephone network, and a wireless communications network”** is disclosed in ‘625 col. 26, lines 59-63.

As to dependent claims 18 and 19, these claims contain substantially similar to dependent claims 27 and 10, they are rejected along the same rationale.

As to dependent claim 20, **“wherein the user nodes are personal computers having connection to the Internet network and having access to the server node”** is taught in ‘625 col. 28, lines 5-64.

As to dependent claim 21, **“wherein the user nodes further include Internet-capable telephones having connection to the Internet network and having access to the server node”** is shown in ‘625 col. 28, line 5 through col. 29, line 64.

As to dependent claim 22, **“wherein the user nodes further include Internet-capable telephones having connection to the Internet network and having access to the server node”** is taught in ‘625 col. 28, line 5 through col. 29, line 64.

As to dependent claim 23, **“or in the user nodes further include Internet-capable hand-held computers having connection to the Internet network and having access to the server node”** is shown in ‘625 col. 24, line 56 through col. 25, line 10.

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As to dependent claims 24 and 25, these claims contain substantially similar to dependent claims 32 and 33 they are rejected along the same rationale.

As to independent claim 43, "A method for collecting and providing information to a user, comprising the steps of: (a) collecting an aggregating, by an Internet-connected server user data not accessible on the Internet" is taught in '625 col. 73, lines 11-36;

"(b) a repacking the data the data for sending to the user; and" is shown in '625 col. 40, lines 21-31;

"(c) sending the repackaged data to the user" is disclosed in '625 col. 24, lines 44 through col. 25, line 10.

As to dependent claim 44, "wherein the user data is obtained over a public telephone network" is taught in '625 col. 24, lines 39-43.

As to dependent claim 45, "wherein the repacked data is provided to the user of HTML files over the Internet" is shown in '625 col. 62, lines 38-62.

As to independent claim 40, this claim is directed to a service to perform the method of claim 43 and is rejected along the same rationale.

As to dependent claims 41 and 42, these claims contain substantially similar to dependent claims 44 and 45; therefore they are rejected along the same rationale

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 39** is rejected under 35 U.S.C. 103(a) as being unpatentable over '625 as applied to claims 26-38 in further view of Goldberg et al. U.S. Patent No. 6,304,636, (hereinafter '636).

As to dependent claim 39, the following is not taught in '625 **"wherein in step (e), the voice file is a WAV file"** however '636 teaches "At step 140, the voice message received from the calling party is converted into a digital audio file (e.g., a "WAV" file" in col. 3, lines 14-17.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a method for collecting, aggregating, and rendering off-line data recording playback of a digital voice in '625 to include a means that utilizes "WAV" format. One of ordinary skill in the art would have been motivated to perform such a modification because a method is needed to converting voice messages into digital messages see '636 (col. 1, lines 30 et seq.) "Based on the foregoing, there is a need for a system and method that allows a calling party to leave a voice message fro a called party that can be immediately retrieved by the called party".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen. Tran
Patent Examiner
Technology Center 2134
3 August 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100